

Attorney Docket No.: PENN-0789
Inventors: Siegel et al.
Serial No.: 10/046,504
Filing Date: October 19, 2001
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REMARKS

Claims 1-10 are pending in the instant application. Claim 1-10 have been rejected. Claims 1 and 4 have been amended. Support for these amendments is provided in the specification at page 9, lines 17-19. No new matter is added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

The Examiner has maintained the rejection of claims 1-10 suggesting that there does not appear to be any structural difference between the claimed composition that consists essentially of biodegradable polymer or co-polymer and haloperidol and the prior art compositions of Kino et al., Cheng et al. and Brodbeck et al.

Applicants respectfully disagree.

Both Kino et al. and Cheng et al. teach microsphere preparations while Brodbeck et al. teaches a viscous gel. In contrast, the delivery of the present system is structurally different in that it is a single compression molded implant. This structural difference is made clear in teachings of the specification, for example, at page 9 wherein it is taught that the solvent cast material is compression molded at a temperature and pressure which allows the polymer-drug material to flow **into the mold** and at page 14 wherein surgical implantation of an individual

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implant of the present invention into an animal model is described. No where do Cheng et al., Kino et al. or Brodbeck et al. teach a single compression molded implant.

In an earnest effort to advance the prosecution of this case and further distinguish structurally the surgical implant of the present invention from the microsphere suspensions and gels taught by Kino et al., Cheng et al. and Brodbeck et al., Applicants have amended the claims in accordance with teachings at page 9 to state that compression molding is performed at a temperature and pressure which allows the haloperidol-polymer material to flow into a mold for an implant. This amendment is believed to make clear another structural difference between the surgical implant of the present invention and microsphere suspensions taught by Kino et al. and Cheng et al. and the viscous gel taught by Brodbeck et al.

Since Kino et al., Cheng et al. and Brodbeck et al. all teach structurally different devices to that of the instant claimed invention, they cannot anticipate nor render obvious the instant claimed invention. See MPEP 2115.

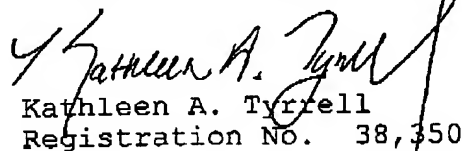
Withdrawal of these rejections under 35 U.S.C. 102 and 103 is therefore respectfully requested.

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Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


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